

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
WALTER HOWARD	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 04-12641-DPW
	)	
ROBERT MURPHY	)	
Respondent.	)	
_____	)	

**MOTION FOR ENLARGEMENT OF TIME  
TO FILE ANSWER OR RESPONSIVE PLEADINGS TO  
PETITION FOR WRIT OF HABEAS CORPUS**

The respondent, Robert Murphy, through counsel, respectfully moves this Court to enlarge the time in which to file an answer or other responsive pleading to the above-captioned petition for writ of habeas corpus to January 14, 2005. The answer is currently due on December 10, 2005. As grounds therefor, the respondent's attorney states:

1. Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts requires the respondent to answer each allegation of the complaint and state whether the petitioner has exhausted state remedies including post-conviction actions. The Rule also requires that the respondent indicate what transcripts or parts of state court proceedings are available.

2. To this end, the respondent's attorney requested the record of the petitioner's state court proceedings from the Middlesex County District Attorney's office. The district attorney's office has not yet located the files of the state court proceedings.

3. Undersigned counsel also has a hearing in another habeas corpus case in the United States District Court in Springfield on January 11, 2004, for which she must prepare.

WHEREFOR, the respondent respectfully moves this Court to enlarge the time for filing an answer or other responsive pleading in the above-captioned petition to January 14, 2005.

Respectfully submitted,

THOMAS F. REILLY  
ATTORNEY GENERAL

/s/ Susanne G. Reardon  
Susanne G. Reardon  
Assistant Attorney General  
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Dated: January 7, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon petitioner, at the address below on January 7, 2005, by depositing the copy in the office depository for collection and delivery by first-class mail, postage pre-paid, to him as follows:

Walter Howard, pro se  
30 Administration Road D2-11  
Bridgewater, MA 02324

/s/ Susanne G. Reardon  
Susanne G. Reardon  
Assistant Attorney General